

1 lot, and we appreciate it. I have no more
2 questions for you.

3 WITNESS: Thanks.

4 MR. HAWA: We will read and sign it.

5 (Reading and signing requested.)

6 (Deposition concluded 1:00 p.m.)

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CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

KEANAN KINTZEL

DOCKET FILE COPY ORIGINAL

1 CERTIFICATE OF REPORTER/NOTARY PUBLIC

2 STATE OF INDIANA, to wit:

3 I, DONNA J. HANNAH, a Notary Public of
4 the State of Indiana, do hereby certify that the
5 within-named witness personally appeared before
6 me at the time and place herein set out, and
7 after having been duly sworn by me, according to
8 law, was examined by counsel.

9 I further certify that the examination
10 was recorded stenographically by me and this
11 transcript is a true record of the proceedings.

12 I further certify that I am not of
13 counsel to any of the parties, nor in any way
14 interested in the outcome of this action.

15 As witness my hand and notarial seal
16 this 25th day of July, 2003.

17
18 -----
19 Donna J. Hannah
20 Notary Public
21

My Commission Expires: 05-26-08

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IN THE MATTER OF: BUSINESS OPTIONS, INC.

Deposition of Kurtis Kintzel

July 14, 2003

"We'll cover your job ANYWHERE in the country!"

COURT REPORTERS, ETCetera, INC.

(202) 628-DEPO (3376) (410) 653-1115 1-800-947-DEPO (3376)

1 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
2 WASHINGTON, D C 20554
3 IN THE MATTER OF * EB DOCKET NO 08-85
4 BUSINESS OPTIONS, INC , * FILE NO EB-02-IC-151
5 ORDER TO SHOW CAUSE AND * NAL ACCOUNT NUMBER
6 NOTICE OF OPPORTUNITY * 30033217002
7 FOR HEARING * FRN 0007179054
8 * * * * *
9 DEPOSITION OF
10 KURTIS KINTZEL,
11 was taken July 14, 2003, commencing at 9 30 a m ,
12 at the LaQuinta Inn, 8210 Louisiana Street,
13 Merrillville, Indiana, before Donna J Hannah,
14 Notary Public
15 * * * * *
16
17 COURT REPORTERS, ETCetera, INC
18 Maryland Washington
19 (410) 653-1115 (202) 628-DEPO
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Page 3
1 I-N-D-E-X
2
3 EXAMINATION BY PAGE
4 Mr Shook 4
5
6 (NO EXHIBITS MARKED)
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Page 2
1 APPEARANCES
2
3 On behalf of the BUSINESS OPTIONS
4 KEMAL HAWA, ESQ
5 CHADBOURNE & PARKE, LLP
6 1200 New Hampshire Avenue, N W
7 Washington, D C 20036
8 (202) 974-5600
9
10 On behalf of the ICC
11 TRENT B HARKRADER, ESQ
12 JAMES W SHOOK, ESQ
13 FEDERAL COMMUNICATIONS COMMISSION
14 445 17th Street, S W
15 Washington, D C 20554
16 202-418-2955
17
18
19
20
21

Page 4
1 P-R-O-C-E-E-D-I-N-G-S
2 WHEREUPON --
3 KURTIS KINTZEL,
4 a Witness called for examination, having been
5 first duly sworn, was examined and testified as
6 follows:
7 DIRECT EXAMINATION
8 BY MR SHOOK
9 Q Could you state your full name,
10 please.
11 A. Kurtis John Kintzel.
12 Q And spell your last name, please.
13 A. K-I-N-T-Z-E-L.
14 Q What is your residence address,
15 please.
16 A. 241 Whitethorn Lane, Valparaiso,
17 Indiana, 46383.
18 Q Your business address?
19 A. 8380 Louisiana Street, Merrillville,
20 Indiana, 46410.
21 Q Is that the only business address that

Page 5

Page 7

1 you have?

2 A. No.

3 Q What others do you have?

4 A. I think it's 1443 East 83rd Street. I
5 can get that for you later.6 MR HAWA It's a new office right
7 down the street. I think I have it.8 Q Is the address that you just gave me
9 in the same building as the Louisiana Street
10 address?

11 A. No, it's down the street.

12 Q It's a separate building?

13 A. Yes.

14 Q Is that the only other business
15 address that you have?16 A. We have other enterprises. I own a
17 portion of a company called Total Bus.-247, which
18 is in the same building with a different suite
19 number.

20 MR HAWA Is it this one?

21 WITNESS Yes. The other address is

1 where Miss Dennie and Miss Green are also
2 located. The three of us share the office.3 Q How long have you had the location at
4 84th Place?5 A. I think we moved there in February of
6 this year.7 Q Prior to that time, your business
8 address had been the Louisiana Street address?

9 A. Yes.

10 Q Now, with the activities that take
11 place at the 26th Street address in Chicago, are
12 those activities related in any way to Business
13 Options, Inc.?14 A. It's a LEC, and they also are an agent
15 for Business Options, being long-distance. But
16 as an agent, maybe they bring on two or three
17 customers a week. It's minimal.18 Q So the 26th Street activities would
19 involve marketing?

20 A. Yes.

21 Q Obtaining customers?

Page 6

Page 8

1 1443 East 84th Place, Merrillville, Indiana,
2 46410. And I also have an office in Chicago on
3 26th Street. I don't know the street address.

4 BY MR SHOOK

5 Q Is one or more of the business that is
6 conducted at the 84th Place address related in
7 any way to Business Options, Inc.?

8 A. Yes.

9 Q In what manner?

10 A. We do our corporate affairs type work
11 out of that location. We moved out of the 8380
12 Louisiana Street address to give that area of our
13 company greater significance and to be able to
14 put more focus on it.15 Q To put more focus on the activities
16 going on at Louisiana Street?17 A. On the corporate affairs portion of
18 our business.

19 Q Okay.

20 A. So the 84th Place address, that's
21 where I go to work; that's where I go, and that's

1 A. For local service.

2 Q For local service?

3 A. Yes.

4 Q But not for long-distance service?

5 A. It's an agent for Business Options.

6 Q Does it serve as an agent for any
7 other company in which you have an ownership
8 interest?

9 A. No.

10 Q Only Business Options for the sale of
11 residential long-distance service?12 A. It sells local service. That's it's
13 primary business. And then Business Options is
14 the only long-distance carrier it services.15 Q Could you give us your date of birth,
16 please.

17 A. 2-12-65.

18 Q Now, for the purposes of this
19 deposition, I am going to ask you questions about
20 various companies Unless I phrase the question
21 otherwise, you should assume that I am asking

Page 9

Page 11

1 only about the company referred to in the
2 question.
3 **A. Okay.**
4 Q So if for whatever reason you have got
5 some question or concern, either of you, about
6 what it is that I am asking, please feel free to,
7 you know, interrupt and say, "Could you repeat
8 the question," or, "I don't understand."

9 **A. Sure.**

10 Q Or just tell me if you wish for me to
11 clarify in some manner what it is I am asking --

12 **A. Okay.**

13 Q -- because I want to make sure that we
14 understand each other.

15 **A. Okay.**

16 MR HAWA And that's consistent with
17 any document as a whole -- that you are referring
18 to Business Options?

19 MR SHOOK Right. And sometimes
20 those documents would indicate that we are asking
21 not only about Business Options, but about other

1 provided by any other entity?

2 **A. Yes.**

3 Q What other entity?

4 **A. Global Crossings.**

5 Q Is that the only other entity?

6 **A. Yes.**

7 Q For how long has Business Options,
8 Inc. resold long-distance service provided by
9 Quest?

10 **A. I am uncertain of the exact time, but
11 I would estimate two years.**

12 Q When it comes to something like that,
13 if I ask for a period of time or date, if you do
14 not know the specific period of time, feel free
15 to say so, and I will phrase the question then in
16 terms of approximate time or approximate date.

17 **A. Okay.**

18 MR HAWA Can I interrupt for a
19 second?

20 MR SHOOK Sure.

21 (Discussion held off the record.)

Page 10

Page 12

1 companies as well. But for purposes of this
2 deposition, I am going to try to separate out the
3 various companies and hopefully clarify the
4 situation for us in a way that perhaps some of
5 our other documents have not.

6 WITNESS Sure.

7 BY MR SHOOK

8 Q I take it that you are familiar with
9 an entity named Business Options, Inc.?

10 **A. Yes.**

11 Q How would you describe Business
12 Options, Inc.'s principal business?

13 **A. It's a reseller of long-distance
14 telecommunications service.**

15 Q Does Business Options, Inc. currently
16 resell long-distance service?

17 **A. Yes.**

18 Q Does it resell long-distance service
19 provided by Quest?

20 **A. Yes.**

21 Q Does it resell long-distance service

1 MR HAWA You indicated in the
2 beginning that you were going to try to separate
3 the various entities and understand their
4 functions.

5 MR SHOOK Right.

6 MR HAWA The question that we have
7 is or comment that we have is that it might be
8 useful to get an overview of the various
9 companies in the beginning. I believe I had a
10 conversation with Trent about that it's quite
11 common in the telecom business to have a holding
12 company, subsidiaries, and someone else to hold
13 leases and contracts. So it might be useful to
14 have that discussion so that we can answer the
15 questions.

16 MR SHOOK I was going to get to the
17 overview at some point; I just didn't want to do
18 it yet.

19 MR HAWA Okay.

20 BY MR SHOOK

21 Q So for purposes of my questions -- for

Page 13

1 example, if I ask a question and you believe
2 there is an incorrect assumption that is embedded
3 in the question, certainly in your answer you can
4 point that out.
5 A. Okay.
6 (Inaudible discussion between witness
7 and Mr. Hawa.)
8 Q Okay
9 A. So what I answered for Business
10 Options as a reseller of Quest, the contract is
11 between Quest and Buzz Telecom.
12 Q And by "contract," you are referring
13 to a written contract?
14 A. Yes.
15 Q And in terms of the approximate
16 two-year period that you are talking about, do
17 you mean to say that Buzz Telecom entered into a
18 contract with Quest approximately two years ago?
19 A. Yes.
20 Q Now, is it conceivable that you are
21 confused, and really the entity in question that

Page 14

1 entered into the contract with Quest was U.S.
2 Bell, and not Buzz Telecom?
3 A. That could be.
4 Q The reason that I ask that question is
5 because it's our understanding from documents
6 that we have reviewed -- and you can clarify that
7 understanding -- is that Buzz Telecom didn't even
8 come into existence until June of 2002
9 A. Yes, that's correct.
10 Q Okay. So this contract that you
11 referred to was entered into sometime in 2001, it
12 could not have been with Buzz Telecom because
13 Buzz Telecom didn't even exist; correct?
14 A. That's correct.
15 Q Does that help refresh your memory in
16 terms of the entity that entered into the
17 contract with Quest?
18 A. Yes.
19 Q And that entity was U.S. Bell?
20 A. Yes.
21 Q So it's your understanding, I take it,

Page 15

1 from the questions that you have answered thus
2 far, that the contract with U.S. Bell and Quest
3 also covers Business Options in terms of its
4 being able to resell long-distance service
5 provided by Quest?
6 A. Yes.
7 Q Would it also be fair to say, then,
8 that the contract is also meant to cover Buzz
9 Telecom?
10 A. Yes.
11 Q Would that contract with Quest, to
12 your understanding cover any entities other than
13 Business Options, Buzz Telecom or U.S. Bell?
14 A. Could you repeat the question.
15 Q Okay. We have been talking about a
16 contract that U.S. Bell entered into with
17 Quest --
18 A. Yes.
19 Q -- approximately two years ago for the
20 reselling of long-distance service. And I
21 understand from your answers to subsequent

Page 16

1 questions that the contract covers not only U.S.
2 Bell, but also Business Options, Inc. and Buzz
3 Telecom?
4 A. Yes.
5 Q And so my follow-up question that is,
6 are there any other entities that would be
7 covered under that contract with Quest?
8 A. No.
9 Q You also mentioned Global Crossings.
10 For how long has -- for approximately how long
11 has Business Options, Inc. resold long-distance
12 service provided by Global Crossings?
13 A. Less than a year.
14 Q Do you know whether the contract -- or
15 excuse me, let me back up.
16 Is there a written contract between
17 Business Options, Inc. and Global Crossings?
18 A. No.
19 Q Is there a written contract between
20 Global Crossings and Buzz Telecom?
21 MR HAWA It's Global Crossing.

Page 17

1 MR SHOOK Global Crossing?
2 MR HAWA Uh-huh.
3 MR SHOOK Well, we will clarify that
4 at a later point.
5 WITNESS I believe it's with Buzz
6 Telecom.
7 BY MR SHOOK
8 Q So along the lines of what we were
9 talking about before when we were talking about
10 the U.S. Bell/Quest contract, is it your
11 understanding that the Buzz Telecom/Global
12 Crossing contract covers Business Options?
13 A. Yes.
14 Q Does it cover any entity other than
15 Buzz Telecom and Business Options?
16 A. No.
17 Q I have seen the contract that you are
18 referring to between Quest and U.S. Bell, and I
19 don't have it at my fingertips. But is it your
20 recollection that you were the person who
21 executed the contract on behalf of U.S. Bell?

Page 18

1 A. Yes.
2 Q What role, if any, do you currently
3 have with Business Options, Inc.?
4 A. I am majority shareholder and chairman
5 of the board of directors and president of the
6 company.
7 Q And when you say majority shareholder,
8 what interest are you referring to?
9 A. I have 72 percent of the shares.
10 Q These would be voting shares of stock?
11 A. Yes.
12 Q If you don't know, you can say so, and
13 we will try to figure it out.
14 A. I don't know.
15 Q Who are the other owners of Business
16 Options, Inc.?
17 A. Keanan Kintzel owns 26 percent, and
18 Robert Dimmick owns two percent.
19 Q Where is Robert Dimmick located?
20 A. Indianapolis.
21 Q Is he actively involved in the

Page 19

1 day-to-day operations of Business Options, Inc.?
2 A. No.
3 Q You had mentioned that you are
4 currently a director of Business Options, Inc.
5 How long have you been a director?
6 A. Since 1993.
7 Q And who are the other directors of
8 Business Options, Inc.?
9 MR HAWA You are referring to legal
10 officers of the company -- directors, not
11 middle-level directors?
12 MR SHOOK Right. I am referring to
13 the directors who would sit or be part of the
14 meeting of the board of directors, if any, when
15 such meetings take place.
16 MR HAWA Not like director of sales.
17 WITNESS I understand that. I don't
18 recall if I am the only director or not. I don't
19 recall
20 BY MR SHOOK
21 Q Well, if you are possibly the only

Page 20

1 director, this question may seem a little silly,
2 but I am going to ask it anyway.
3 A. Okay.
4 Q How often do the directors of Business
5 Options meet as the board of directors?
6 A. Not often.
7 Q Do you recall when the last such
8 meeting took place approximately?
9 A. A month ago.
10 Q So did you actually meet with somebody
11 to discuss the affairs of Business Options, Inc.?
12 A. Yes.
13 Q Who was that?
14 A. My corporate attorney.
15 Q Now, is it your understanding that
16 person is or is not a director of Business
17 Options, Inc.?
18 A. He is not.
19 Q He is not. You had also mentioned
20 that you are currently an officer of Business
21 Options, Inc. What office do you hold?

Page 21

1 A. I am the president.
2 Q How long have you been the president
3 of Business Options, Inc.?
4 A. Since 1993.
5 Q Can you identify the other officers of
6 Business Options, Inc.?
7 A. Keanan Kintzel is secretary/treasurer
8 of Business Options, Inc.
9 Q Are there any other officers, so far
10 as you know?
11 A. No.
12 Q And approximately how long has Keanan
13 been an officer of Business Options, Inc.?
14 A. About nine months.
15 Q Was there a person who held the office
16 of secretary/treasurer prior to Keanan?
17 A. Yes.
18 Q Who was that?
19 A. William Brzycki.
20 Q Just for the sake of the court
21 reporter, could you spell that?

Page 22

1 A. I will try. B-R-Z-Y-C-K-I.
2 Q Approximately how long did Mr. Brzycki
3 hold the office of secretary/treasurer?
4 A. I believe three years.
5 Q Was there somebody who held the office
6 of secretary/treasurer before Mr. Brzycki?
7 A. I don't recall.
8 Q Now, we have mentioned a number of
9 other entities, so I am going to ask many of the
10 same questions about those entities.
11 A. Okay.
12 Q Do you currently own an interest --
13 any interest in U.S. Bell?
14 A. We did a final tax return, and I
15 believe we filed for dissolution of the company.
16 So as long as it's been dissolved, no.
17 Q Now, there are some documents that we
18 have seen that suggest that U.S. Bell at some
19 point in time changed its name. Are you aware of
20 any such name change?
21 A. I believe it changed its name to NACI

Page 23

1 for a period of time.
2 Q Okay. The documents that we saw
3 suggested that the name change went from U.S.
4 Bell to Link Technologies.
5 A. Okay.
6 Q Does that ring any bells?
7 A. Yes.
8 Q Would that be accurate, that that was
9 the name change, U.S. Bell to Link Technologies?
10 A. It sounds accurate.
11 Q Do you have any recollection as to why
12 there was a name change from U.S. Bell to
13 whatever it became?
14 A. Yes. Would you like me to give you
15 the history?
16 Q At this point, feel free.
17 A. Okay. We started our company in 1992
18 as Business Options. In roughly 1995 or 1996 --
19 or during the initial phase of our company, we
20 only sold to businesses. In roughly 1995 or
21 1996, we started also marketing to residential

Page 24

1 consumers, and the name "Business Options" became
2 somewhat confusing to those customers who we were
3 marketing. The common response was, "We are not
4 a business." So we had to explain it, and we
5 decided we should get a name that was more
6 user-friendly to the consumer.
7 We decided upon U.S. Bell as
8 descriptive of who we were. We were nationwide,
9 and we were in telephones. So that went along,
10 and we started to -- we wanted to become
11 certified as U.S. Bell and move completely away
12 from Business Options for no other reason than to
13 be user -- friendly with our consumers. At one
14 point we tried to contract with Southwestern Bell
15 to do some business with us. They replied, "Not
16 only are we not going to do a contract with you,
17 but we own the name 'Bell.' Please cease and
18 desist using the name 'Bell' in everything that
19 you do."
20 At that point, we began to survey
21 other names within the public, within our

Page 25

Page 27

1 consumers and within our company -- just asking
2 people. And the number one choice was Link
3 Technologies. However, I didn't care for that
4 name. But it became Link Technologies, and the
5 motion was started to get us to change the name
6 to Link Technologies. I was a little bit smarter
7 this time before we went full-blast with Link
8 Technologies. I started looking at trade
9 magazines, and there were several other companies
10 that had the word "link" in them. So I decided
11 that I didn't want to use that name and have the
12 same potential problem that we had with U.S.
13 Bell.

14 At some point my brother came up with
15 the name, North American Communications, which
16 was NACL, and which I also didn't care for. So
17 we surveyed our entire staff, and they came up
18 with a couple of choices for us. And quite
19 honestly, I didn't like any of their choices, and
20 I went with Buzz Telecom, which was a little more
21 descriptive of who we are. We are not a

1 change all of the customers of Business Options
2 to Buzz Telecom, and any of the previous names
3 will be put to bed.

4 (Inaudible discussion between witness
5 and Mr. Hawa.)

6 A. I have another company, Avatar
7 Enterprises, which employs Keanan, myself, and
8 our corporate affairs staff. And we use that as
9 our management company to manage Buzz Telecom.

10 Q Does Business Options, Inc. then
11 continue to do business as Business Options,
12 Inc.?

13 A. Yes.

14 Q Does it ever, though, do business as
15 Buzz Telecom?

16 A. Maybe the other way around. Our
17 employees are all paid by Buzz Telecom. When
18 they market, they market Business Options
19 service. When we call people up, they are
20 calling on behalf of Business Options.

21 Q And they call on behalf of Business

Page 26

Page 28

1 white-collar business; that's just not who we
2 are. We felt more like Buzz Telecom.

3 Anyway, that's where the name, Buzz
4 Telecom, came from. And our goal is actually to
5 operate with just one company name and become
6 certified nationwide as Buzz Telecom and have all
7 of our contracts for Buzz Telecom. As confusing
8 as it is for you boys, it's confusing to us as a
9 company to keep all the documents in alignment.

10 So that's where we are headed. We
11 were Business Options. We have decided not to
12 market as Buzz Telecom until we have all of our
13 certifications in place and also our billing and
14 collection agreements in place. And not only
15 that the agreements are in place, but that we can
16 bill in each of the different states and through
17 all of the different LEC's. So that's a process
18 that's ongoing. We are not quite there yet.
19 Once we get there, hopefully later this year, we
20 will be licensed only as Buzz Telecom at that
21 point. We are making the proper application to

1 Options because Business Options is the entity
2 that has an ongoing authority to do business in
3 whatever state in which they are marketing at
4 that point?

5 A. Yes.

6 Q And Buzz Telecom may or may not have
7 that authority with respect to that state?

8 A. At this point, I think Buzz Telecom
9 has the authority in almost all the states, but
10 the billing and collection agreements and
11 arrangements are not fully in place.

12 Q And by billing and collection
13 agreements, are you referring to agreements that
14 exist with an entity called USBI?

15 A. Yes. That agreement is in place.
16 Before we can bill through all the LEC's, we have
17 to have sales scripts and verification scripts
18 approved by the different LEC's, whether it's
19 Ameritech or Southwestern Bell -- well, I guess
20 they are the same now. Anyhow, they need to
21 approve our scripts. Just because we have an

Page 29

1 agreement with USBI does not mean we can actually
2 bill through USBI until the LEC gives us the
3 thumbs up. So that's the process we are
4 undergoing -- getting our sales scripts and
5 verifications scripts approved.
6 Q When did you first send your sales
7 script to any LEC?
8 A. Probably in 1995 or 1996 under
9 Business Options.
10 Q And approximately how often are such
11 sales scripts sent from Business Options or any
12 of the other companies that are related here to a
13 LEC?
14 A. They don't request them on an ongoing
15 basis, to my knowledge.
16 Q Do they request them on a annual
17 basis?
18 A. Not to my knowledge.
19 Q Other than the scripts that you
20 mentioned having been sent in 1995 or 1996, what
21 scripts have been sent subsequent to that time to

Page 30

1 a LEC?
2 A. Any of the scripts that we have
3 produced for Buzz Telecom would have at this
4 point been sent. Mr. Brzycki might be a better
5 person to answer that question, because it was
6 his role within our company to maintain the
7 relationship and to get us certified and be able
8 to bill in all the different states. And I don't
9 want to be vague; I just don't know the answer to
10 your question.
11 Q It's perfectly acceptable if I ask you
12 a question and you don't know to say, "I don't
13 know."
14 A. Okay.
15 Q I can always explore further --
16 A. Okay.
17 Q -- and see who may know
18 A. Okay. I am just trying to be candid.
19 Q Simply because you are the top person
20 doesn't mean that you know absolutely every
21 little detail of what is going on.

Page 31

1 A. Right.
2 Q But you may know how does know.
3 A. Yes.
4 Q So you can say that you don't know --
5 A. Okay. Thank you.
6 Q -- and I will follow up from there.
7 A. Okay.
8 Q Now, thank you for your overview. I
9 am going to still ask a couple of questions --
10 A. Okay.
11 Q -- and see if I can pinpoint things
12 and see if I can make things as clear as I can
13 for everybody. I had asked you about U.S. Bell,
14 and you indicated that company had either just
15 dissolved or was in the process of dissolving?
16 A. Yes.
17 Q With respect to Buzz Telecom, are you
18 currently an owner?
19 A. Yes.
20 Q And what is the nature of your
21 ownership interest?

Page 32

1 A. It's 72 percent of the shares
2 available.
3 Q Basically an interest that is
4 identical to what you have with Business Options?
5 A. Yes.
6 Q Who else owns interest in Buzz
7 Telecom?
8 A. Keanan Kintzel and Robert Dimmick.
9 Q At 26 and 2 percent respectively?
10 A. Yes.
11 Q Would it be fair to say that Buzz
12 Telecom and Business Options, Inc. have the same
13 businesses?
14 A. Yes.
15 Q What differences, if any, would there
16 be to the businesses between Business Options,
17 Inc. and Buzz Telecom?
18 A. The primary difference is the name.
19 It's a marketing advantage to have a name that's
20 not directed toward businesses as we are
21 marketing to residential consumers. Other

Page 33

1 differences would be the history that Buzz
2 Telecom was just formed last year, and Business
3 Options has been around for ten or eleven years.
4 Q So I take it that you are -- Well, how
5 many directors does Buzz Telecom have, to your
6 knowledge?
7 A. Two.
8 Q They would be who?
9 A. Kurtis Kintzel and Keanan Kintzel.
10 Q And you two have been the only
11 directors of Buzz Telecom?
12 A. I don't know. Mr. Brzycki may have
13 been a director. I am sorry, I don't know the
14 answer to your question.
15 Q Try to keep in mind if you can that I
16 am referring to a corporate director. I am not
17 asking about an officer.
18 A. That's what came to my mind after I
19 answered the question.
20 Q So in terms of Mr. Brzycki, so far as
21 you know, he has never been a director of Buzz

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1 Telecom?
2 A. I don't know.
3 Q Other than yourself and Keanan and
4 possibly Mr. Brzycki, has anybody else ever been
5 a director of Buzz Telecom?
6 A. Not to my knowledge.
7 Q Are you currently an officer of Buzz
8 Telecom?
9 A. Yes.
10 Q Do you hold the office of president?
11 A. Yes.
12 Q Have you always been president?
13 A. Yes.
14 Q What other corporate officers are
15 there for Buzz Telecom?
16 A. There is a secretary/treasurer, which
17 is Keanan Kintzel. And I believe I am the
18 chairman of the board.
19 Q You are?
20 A. Yes.
21 Q How long has Keanan been

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1 secretary/treasurer, roughly?
2 A. Between nine and twelve months.
3 Q Has there been anybody else who was
4 ever an officer of Buzz Telecom?
5 A. I don't know.
6 Q. How often do the directors of Buzz
7 Telecom meet as directors?
8 A. Monthly.
9 Q Are the meetings memorialized in any
10 way?
11 A. Occasionally.
12 Q Could you give me the approximate time
13 of the last such meeting of Buzz Telecom
14 directors?
15 A. I believe a month ago.
16 Q I am sorry?
17 A. I believe a month ago.
18 Q And was that meeting memorialized in
19 any way?
20 A. I believe so.
21 Q In writing?

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1 A. I believe so.
2 Q Did that involve yourself and Keanan?
3 A. Yes.
4 Q Anybody else?
5 A. No.
6 Q Now, with respect to the overseeing
7 the day-to-day business of Business Options, what
8 role, if any, would you say that you have?
9 A. I am the president of the company,
10 so --
11 MR HAWA Just by way of
12 clarification, I think what he is asking about
13 your responsibilities as president of the
14 company, but your specific day-to-day activities.
15 Is that correct?
16 MR SHOOK That's what I am looking
17 for, yes.
18 MR HAWA He is not looking from a
19 practical perspective, but from day-to-day.
20 WITNESS Okay. I do weekly financial
21 planning; I do regulatory work; I sign documents.

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1 BY MR. SHOOK
2 Q With respect to the weekly financial
3 planning, do specific individuals at Business
4 Options report to you and tell you, for example,
5 how much money is coming in and how much money is
6 going out?
7 A. Yes.
8 Q Who are the individuals that do that?
9 A. Keanan Kintzel.
10 Q Is he the only individual that does
11 that?
12 A. He has an assistant who helps him
13 gather information.
14 Q Who is that?
15 A. Brian Bortko, B-O-R-T-K-O.
16 Q Approximately how long has that
17 situation existed, where Keanan and/or Mr. Bortko
18 would provide you with weekly financial
19 information?
20 A. We have streamlined our process to
21 where he has come in weekly for the last year.

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1 Q Do you have any recollection as to how
2 the process worked prior to that time?
3 A. Yes.
4 Q And what is it that you recall?
5 A. I would still get the information, but
6 it was not as organized as it is today. I would
7 still get the information every other week,
8 monthly.
9 Q Who would provide the information?
10 A. I don't recall. Some of it, I would
11 gather myself.
12 Q So currently, your brother Keanan and
13 Mr. Bortko are the two people who primarily
14 gather financial information and then supply it
15 to you on a weekly basis?
16 A. Yes.
17 Q And that situation has been in place
18 for approximately a year?
19 A. Yes. Since December of 2002, so seven
20 months or eight months.
21 Q And what events, if any, triggered

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1 this change in the process that as of December of
2 2002, we now have Keanan and Mr. Bortko providing
3 you regular financial information? Was there an
4 event that triggered the change in the process?
5 A. The departure of Mr. Brzycki. At that
6 point, I took on a much more hands-on approach to
7 the regulatory affairs and financial management
8 of the company, and I sort of moved my office
9 down and really just put more focus on that area
10 of our business.
11 Q Now, I framed the questions in terms
12 of Business Options, Inc. If I were to -- Well,
13 with respect to Buzz Telecom, is it the same
14 scenario that Keanan and Mr. Bortko provide
15 weekly financial information to you?
16 A. Yes.
17 Q And that has been the case since
18 approximately December, 2002?
19 A. Yes.
20 Q Now, you mentioned Mr. Brzycki's
21 departure was an event that had some relationship

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1 to this change in the process. Would it be fair
2 for us to understand from your mentioning Mr.
3 Brzycki's departure that he had some role in
4 reviewing weekly financial information for
5 Business Options, Inc. prior to his departure?
6 A. No.
7 Q Did he have any role whatsoever?
8 A. I am sorry -- let me go back and
9 re-answer that. He had a responsibility to
10 ensure all of our taxes were being paid, all of
11 our vendors were satisfied. He didn't actually
12 pay the bills, but the bills were reviewed, and
13 he had to know how much money was coming in. He
14 had a responsibility to make sure that we were in
15 compliance with whatever we were supposed to be.
16 So when he departed, that responsibility moved
17 onto my plate. And that's when I saw a need for
18 some improvement.
19 To elaborate on that a little bit --
20 up to that point, I was more in tune with our
21 sales marketing efforts on a day-to-day basis.

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1 And Mr. Brzycki was handling more of the
2 corporate affairs type functions. My brother
3 was, for the most part, on sick leave for about a
4 year, roughly. I don't know the exact time
5 frame. But that's the way the responsibilities
6 were. Mr. Brzycki was doing corporate affairs; I
7 was running the internal operations of the
8 company. So upon his departure, I got into what
9 was actually going on in more depth.

10 Q So in terms of Mr. Brzycki's
11 responsibilities, you had mentioned that it was
12 his job to ensure that regulatory payments with
13 the various states were made on a timely basis?

14 A. Yes.

15 Q And it was his responsibility to
16 ensure that the tax returns were prepared and
17 filed on a timely basis?

18 A. Yes.

19 Q If there were any regulatory fees to
20 be paid, it was his responsibility to ensure that
21 they were paid on a timely basis?

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1 A. Yes.

2 Q If there were any tariffs to be filed
3 with any state, it was his responsibility to
4 ensure that they were done on a timely basis?

5 A. Yes.

6 Q Was there any process in place for
7 him -- him, being Mr. Brzycki -- to tell you
8 whether or not there was a problem with the
9 regulatory filings? In other words -- well, let
10 me try to clarify that. If a filing were late
11 and some kind of penalty ensued as a consequence,
12 would it be his responsibility to let you know
13 that that had happened?

14 A. It would have been his responsibility
15 to do that, yes.

16 Q Was it your understanding that he in
17 fact did that?

18 A. He did not.

19 MR HAWA Can we clarify? If I
20 could, let me rephrase your question and see if
21 this is correct.

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1 MR SHOOK Okay.

2 MR HAWA We are talking about files
3 where there were material violations. There are
4 50 states and thousands of filings.

5 MR SHOOK I understand there were
6 multiple filings. From looking through the
7 documents that you have supplied us, it was a
8 paperwork nightmare to keep up with the
9 applicable state requirements.

10 MR HAWA That's true.

11 BY MR SHOOK

12 Q Let's say for this discussion, a
13 regulatory filing such as a tariff was not filed
14 in a timely manner in a particular state. Was it
15 Mr. Brzycki's responsibility to tell you that
16 such a filing had not been made on a timely
17 basis?

18 A. Yes, it was his responsibility.

19 Q Did it come to your attention in late
20 2002 that one or more such regulatory filings had
21 not in fact been made on a timely basis?

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1 A. Yes.

2 Q Did that have any bearing whatsoever
3 on Mr. Brzycki's departure from the employ of
4 Business Options/Buzz Telecom?

5 A. Yes.

6 Q Was it made clear to Mr. Brzycki that
7 such a failing or such failings were related to
8 his leaving your employ?

9 A. No.

10 Q Now, I put it in very general terms.
11 Going back to December of 2002 or roughly that
12 time period, was there a failure on the part of
13 Mr. Brzycki in some way that was brought to your
14 attention that led to Mr. Brzycki's departure
15 from Business Options?

16 A. Yes.

17 Q Could you tell us what that event was,
18 if there was a singular event? Or if there were
19 multiple events, could you tell us what those
20 are?

21 A. There were two events -- actually,

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1 three events that were significant. What I
2 looked at was the whole, and I made my decision
3 that he needed to go elsewhere.
4 The first thing was that we had a tax
5 situation -- a federal tax situation in 1995 or
6 1996, somewhere around there. At that time
7 period, Mr. Brzycki was our treasury manager. He
8 had come out of college with an accounting
9 degree, and we hired him. So at that time, I
10 took that responsibility because ultimately it is
11 my responsibility.
12 Over the years, he had been promoted
13 up to vice president of administration. And part
14 of his duties were with the personnel areas of
15 our company. And then in 2002, we received some
16 Equal Opportunity complaints, and I found that
17 Mr. Brzycki had been negligent when staff members
18 had come to him and actually written reports.
19 When I say "negligent," I am going to
20 specifically refer to the fact that he did not
21 bring them to my attention. That was the second

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1 thing -- at this time when we had the situation
2 with the EEOC.
3 And then the third area of his
4 responsibilities was regulatory. And it was
5 brought to my attention that there was a 499 --
6 is it 499-A? -- a form that he did not file. And
7 I believe it was during the summer of 2002, and
8 it was related to the payment of Universal
9 Service Fund fees. So for the last couple of
10 years, I have been writing out -- I have been
11 receiving bills and writing out checks that would
12 say, "Kansas USF" or "Missouri USF." And I am
13 signing multiple checks. I don't know how much I
14 have sent out, but they all say "USF" on the
15 bottom.
16 Q Probably every state that has
17 something like that?
18 A. Yes. So basically, I felt we were in
19 compliance with all of our USF guidelines, and I
20 was very surprised to find out that we had not
21 paid them. So that was the straw that broke the

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1 camel's back.
2 Q Okay.
3 A. And at that point, the decision had
4 been made -- he had been a longstanding employee
5 of ours; he had been an employee for eight years,
6 but we had sensitive issues now with these
7 filings that we should have been making as well
8 as the EEOC matter. So we gave him a severance
9 package, and we parted ways.
10 Q Now, as a consequence of learning that
11 a federal filing of some kind had not been
12 made --
13 A. Uh-huh.
14 Q -- what is your understanding as to
15 what steps, if any, were taken to correct that
16 situation?
17 A. We started to research it immediately
18 to find out what we needed to do.
19 Q We have seen documents that reflect
20 that in October of 2002 there was a 499-A filing
21 made on behalf of Buzz Telecom.

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1 A. Uh-huh.
2 Q Were you aware of that document?
3 A. I don't know that I have ever seen
4 that document, but I was quite certain that when
5 we found out about those filings, that we went
6 ahead and did it for Buzz Telecom. We were
7 uncertain as to what to do about Business Options
8 due to the amount of money that might be
9 involved. At that point, we needed to consult
10 counsel.
11 Q To your knowledge, has any 499-A
12 filing ever been prepared for Business Options?
13 A. Not to my knowledge.
14 Q To your knowledge --
15 A. Let me back up. To my knowledge, no
16 499-A form has ever been filed. I think we have
17 started the preparation to see what it would look
18 like and see what we owe.
19 Q Well, I will phrase it in terms of
20 filings.
21 A. Okay.

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1 Q And then if you wish, you can
2 certainly clarify in your response.
3 A. **Okay.**
4 Q With respect to U.S. Bell, has there
5 ever been a 499-A filing, to your knowledge?
6 A. **Not to my knowledge.**
7 MR HAWA Or to clarify, I believe
8 one of our responses to interrogatories indicates
9 that a 499 has never been filed. But I think as
10 you have pointed out, one was filed for Buzz
11 Telecom. So that would have been an inaccurate
12 response to the interrogatory.
13 BY MR SHOOK
14 Q Mr. Hawa and Trent and I have had some
15 conversations along the way, and we understand
16 that there may be a little bit of play, if you
17 will, in the admissions or responses because the
18 responses were prepared on a very short notice.
19 A. **Right.**
20 Q And we understand from Mr. Hawa that
21 you did the best you could in terms of trying to

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1 prepare answers on a fairly quick turn-around
2 time.
3 A. **Yes.**
4 MR HAWA Could I ask for a
5 five-minute break?
6 MR SHOOK Let me finish getting this
7 on the table
8 MR HAWA Sure.
9 BY MR SHOOK
10 Q So if it turns out that you come
11 across some inaccuracies --
12 A. **Sure.**
13 Q -- we understand you would come back
14 and let us know.
15 A. **Yes.**
16 Q We accept your answers in that light
17 A. **Thank you.**
18 MR SHOOK Okay Let's take five
19 minutes.
20 (A short break was taken)
21 BY MR SHOOK

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1 Q I have been asking you some questions
2 about your role as a manager at Business Options
3 And if I didn't ask this or if I did ask it, I am
4 sorry, because I have forgotten But would it be
5 fair to say that your role as the manager of
6 Business Options is basically the same as your
7 role as manager of Buzz Telecom?
8 A. **Yes.**
9 Q Now, with respect to your brother
10 Keanan, does he have day-to-day responsibilities
11 as a manager at Business Options?
12 A. **Not so much with Business Options. I**
13 **mean, Business Options has no employees. So when**
14 **you say the day-to-day operations, there is not**
15 **that much to do, except from a corporate affairs**
16 **standpoint.**
17 Q And what would he do from a corporate
18 affairs standpoint?
19 A. **That's what I said -- not too much.**
20 **He doesn't have too much to do there.**
21 Q With respect to Buzz Telecom, does

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1 Keanan have any day-to-day responsibilities as a
2 manager?
3 A. **Yes.**
4 Q What are those responsibilities?
5 A. **He manages internal operations of the**
6 **company at this time, which is hiring personnel;**
7 **treasury -- making sure bills are paid, that**
8 **money is collected; delivery of products; quality**
9 **control; and sales and marketing.**
10 Q With respect to sales and marketing,
11 does Keanan then have primary responsibility in
12 terms of the script that the telemarketers use to
13 market Buzz Telecom?
14 A. **That would be mutually myself and**
15 **Keanan, the two of us. Both of us would have to**
16 **approve it.**
17 Q How long has that situation been in
18 effect -- that you and Keanan have to approve the
19 script that the telemarketers use?
20 A. **I have always had to approve the**
21 **scripts that the telemarketers use, and Keanan is**

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1 junior to me in our company. So it would be
2 something he would sign off on it, but ultimately
3 it's my determination as to whether something is
4 approved or not approved.
5 Q Is there anybody other than yourself
6 or Keanan who has a role in reviewing
7 telemarketing scripts used by Buzz Telecom?
8 A. Not really.
9 MR HAWA Clarification. By "role in
10 reviewing," are you talking about substantive
11 decision-making?
12 WITNESS That's what I was answering
13 yes to.
14 MR SHOOK Yes.
15 BY MR SHOOK
16 Q It seems as though we are on the same
17 wavelength.
18 A. That's good.
19 Q With respect to Business Options, has
20 it always been you and Keanan who have reviewed
21 and approved sales scripts for Business Options?

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1 A. Really, it has just been me.
2 Q Primarily yourself?
3 A. Keanan didn't come to work for the
4 company until about 1995, and then he had to work
5 his way up into the company. Just in the last
6 couple of years has he taken on a more
7 significant role.
8 Q What working relationship do you have
9 with an individual named Elizabeth Ontiveros
10 Rosas?
11 A. Repeat the question.
12 Q Okay. What working relationship do
13 you have with Elizabeth Ontiveros Rosas?
14 A. She is more involved with internal
15 operations. So I don't have too much dealings
16 with her.
17 Q Internal operations of what?
18 A. She is senior to our treasury,
19 delivery and quality control areas of our
20 company. So she would work closely with Keanan,
21 and not too much with myself.

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1 Q Okay.
2 A. Since the time when I moved out of the
3 office, I have been really focused on the
4 corporate affairs of our business, which would be
5 more external. And Keanan and Elizabeth would be
6 making sure the day-to-day operations are running
7 smoothly.
8 Q Now, when you say "our company," were
9 you thinking of Buzz Telecom primarily; and then
10 to a lesser extent, Business Options?
11 A. Yes.
12 Q I just want to make sure we are on the
13 same wavelength in terms of what you responded to
14 when you used the term, "our company."
15 A. I am using that term as Buzz Telecom
16 and Business Options.
17 Q And are there any other companies that
18 you have in mind?
19 A. No.
20 Q Just those two?
21 A. Yes. Elizabeth is strictly a Buzz

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1 Telecom employee. She has dealings with Business
2 Options because we are selling a Business Options
3 product. We serve as a Business Options product,
4 so that is her involvement.
5 Q How long has Elizabeth been a Buzz
6 Telecom employee?
7 A. I think she is going on three years --
8 pretty close to three years.
9 Q So from that, I should infer that
10 prior to her working for Buzz, that she was a
11 Business Options employee?
12 A. No, she was a U.S. Bell employee prior
13 to that.
14 Q And so you and she have been
15 associated in a business relationship for
16 approximately three years?
17 A. Yes.
18 Q And what role -- or how would you
19 describe the role that Elizabeth had with respect
20 to U.S. Bell?
21 A. We hired Elizabeth because of her

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1 abilities with computer programming, and neither
2 Keanan nor myself are experts in that area of the
3 business. So Elizabeth -- we recruited to help
4 us out with databases and any of that type of
5 computer stuff, that type of work.

6 Q Does the name, Gene Chill mean
7 anything to you?

8 A. Sure.

9 Q And what kind of business relationship
10 did you have with Gene Chill?

11 A. We hired Gene in -- I think he started
12 at the end of May. We hired him in April, but he
13 didn't start working for us until about two
14 months later.

15 Q Now, what year are you thinking of
16 here?

17 A. 2002.

18 Q Okay.

19 A. After our EEOC cycle, I demoted Mr.
20 Brzycki from vice president of administration to
21 just working for corporate affairs of our

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1 business. I was looking for a replacement, and
2 somebody referred me to Mr. Chill. Not knowing
3 him before that time, I interviewed him. I liked
4 him, so we hired him as vice president of
5 administration and training to take over some of
6 the same duties that Mr. Brzycki had been working
7 on.

8 So he was primarily to work in the
9 personnel area of our company and also the
10 marketing. When I say "marketing," I am
11 referring to when we procure customers, how do we
12 sell them additional products and services. But
13 it didn't quite work out. Mr. Chill didn't even
14 last nine months with us. And you mentioned
15 wavelengths, we were never quite on the same
16 wavelength. And even more so, he was directly
17 junior to Keanan, and they just never got on the
18 same page. They just never did, and Mr. Chill is
19 no longer with us.

20 Q Would you characterize the parting of
21 ways as mutual, or was it more your asking him to

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1 leave or him deciding to go?

2 A. Mr. Chill left Buzz Telecom roughly in
3 February because he and Keanan -- it just wasn't
4 working between the two of them. He came to work
5 for Avatar, which is our management company. He
6 wanted to do another project. He wanted to write
7 a book, and we told him that we would decide to
8 help him out.

9 And when this proceeding took place,
10 it's been very costly for us, so Mr. Chill was
11 let go as a cost savings measure. But that was
12 also because of his writing of the book project,
13 not on -- we parted ways with him being vice
14 president of administration. So we parted ways
15 on that in February, and it was mutual. In a
16 perfect world, you know, running the personnel
17 area of a telecommunications business was not
18 what his life mission was, so --

19 Q Does the name, Shalanda Robinson mean
20 anything to you?

21 A. Yes.

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1 Q What business relationship do you have
2 with her?

3 A. Miss Robinson started as a data entry
4 clerk. I guess that's the appropriate title for
5 her, and she was good at it. She was good at it,
6 and she has worked her way up in the company to
7 being a manager of our data entry, which I think
8 she manages one or two people there. And she
9 helped out with customer service and was pretty
10 good with that, so she is even senior to the
11 customer service area of our business, and she
12 has been promoted to the person responsible for
13 delivery. Her promoted title right now is
14 delivery manager.

15 Q How long has she held that title,
16 roughly?

17 A. Roughly two years. I may be off, but
18 roughly two years.

19 Q And how long has she been associated
20 with you as either Buzz Telecom or Business
21 Options, roughly?

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1 A. I think it's been at least four years,
2 but I don't know for sure.
3 Q Does the name, Lisa Green mean
4 anything to you?
5 A. Yes.
6 Q What business relationship, if any, do
7 you have with Lisa Green?
8 A. Lisa is working on regulatory files at
9 this time.
10 Q Approximately how long has she been
11 working on regulatory files?
12 A. She started last October, so nine
13 months roughly.
14 Q And what was it that she did prior to
15 that time?
16 A. She was not employed with us prior to
17 that time.
18 Q With respect to the regulatory files,
19 does Lisa report to anybody in particular?
20 A. She reports to Shannon Dennie.
21 Q How long has that reporting

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1 relationship existed, roughly?
2 A. Since she started. They were hired
3 approximately the same time period.
4 Q And so Shannon is Lisa's supervisor?
5 A. Yes.
6 Q And what responsibilities does Shannon
7 have, other than supervising Lisa?
8 A. Well, together they work on anything
9 that has anything to do with legal or regulatory
10 issues. Or if a consumer ever files a complaint
11 with the UPC, then they address it. Ultimately,
12 Shannon's responsibility is to make sure we are
13 operating completely legal and that we are in
14 compliance with any state or regulatory
15 authority.
16 Q And you had mentioned that Shannon and
17 Lisa were hired at about the same time?
18 A. Yes.
19 Q And was their hiring in any way
20 related to Mr. Brzycki's departure?
21 A. Yes.

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1 Q And in what manner?
2 A. Mr. Brzycki left, but the work was
3 still there.
4 Q Okay.
5 A. And not only did Mr. Brzycki leave,
6 who was doing all that work for us, but the
7 person who he had been working with for a long
8 period of time, who also knew what had to be
9 done, took a maternity leave. So Miss Green and
10 Miss Dennie were hired to fill that void.
11 Q Who was the person that you are
12 referring to who was Mr. Brzycki's assistant?
13 A. I don't know her last name. Her first
14 name was Amy.
15 Q Amy Dixon?
16 A. Yes. Thank you.
17 Q Has she returned from maternity leave?
18 A. Yes.
19 Q Approximately when did she return?
20 A. Approximately three months ago.
21 Q What are her current duties?

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1 A. She assists Keanan, and she will
2 assist me if I need something. If I need
3 somebody to get me coffee or run an errand or go
4 to the post office or do banking, she will do
5 that. And filing -- she does filing.
6 Q Does Shannon Dennie report to Keanan?
7 A. She reports to me.
8 Q She reports to you?
9 A. Me.
10 Q She reports to you?
11 A. Yes.
12 Q Has she always reported to you?
13 A. She should have always reported to me.
14 Q Right We understand there is a
15 difference between the real world and the perfect
16 world
17 A. Yes.
18 Q I am going to try to clarify in my own
19 mind the relationship between Buzz Telecom and
20 Business Options. We may end up covering some of
21 the ground that you have already discussed --

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<p>1 A. Okay.</p> <p>2 Q -- in your overview, so please bear</p> <p>3 with me here</p> <p>4 A. Sure.</p> <p>5 Q Is Buzz Telecom a subsidiary of</p> <p>6 Business Options, Inc , to your understanding?</p> <p>7 A. No.</p> <p>8 Q So Buzz Telecom would be a corporation</p> <p>9 completely separate from Business Options,</p> <p>10 Inc --</p> <p>11 A. Yes.</p> <p>12 Q -- in terms of corporate structure?</p> <p>13 A. Yes.</p> <p>14 Q Do Buzz Telecom and Business Options</p> <p>15 share common employees?</p> <p>16 A. No. Business Options has no</p> <p>17 employees.</p> <p>18 Q Have Buzz Telecom and Business</p> <p>19 Options, Inc ever shared common employees?</p> <p>20 A. No. The employees, prior to being</p> <p>21 Buzz Telecom employees, were U.S. Bell employees;</p>	<p>1 correctly?</p> <p>2 BY MR SHOOK</p> <p>3 Q What I am thinking of is, was there a</p> <p>4 time when individuals who were working for Buzz</p> <p>5 Telecom were sharing office space with</p> <p>6 individuals who were working for Business</p> <p>7 Options, Inc ?</p> <p>8 A. They did not. But there were Buzz</p> <p>9 Telecom employees that were working on Business</p> <p>10 Options work.</p> <p>11 Q So one could be employed by Buzz</p> <p>12 Telecom and be performing work that would somehow</p> <p>13 benefit --</p> <p>14 A. Yes.</p> <p>15 Q -- Business Options, Inc ?</p> <p>16 A. Yes. For instance, Mr. Brzycki and</p> <p>17 Miss Dixon -- they were employed by Buzz Telecom,</p> <p>18 yet they were handling the regulatory affairs of</p> <p>19 Business Options as part of their day-to-day</p> <p>20 duties.</p> <p>21 Q And you mentioned that prior to Buzz</p>
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<p>1 and previous to that, Business Options employees.</p> <p>2 Q Do Buzz Telecom and Business Options</p> <p>3 share office space?</p> <p>4 A. The majority of the regulatory</p> <p>5 dealings are in our Avatar offices. So I would</p> <p>6 say more accurately that Avatar and Business</p> <p>7 Options share office space.</p> <p>8 Q Currently?</p> <p>9 A. Yes.</p> <p>10 Q Was there ever a time that Buzz</p> <p>11 Telecom and Business Options, Inc. shared office</p> <p>12 space?</p> <p>13 MR HAWA If I could ask for</p> <p>14 clarification, it seems to me that the questions</p> <p>15 that are being asked now go to corporate legal</p> <p>16 structure. So are you talking from the legal</p> <p>17 standpoint, or are you talking about pure</p> <p>18 corporate structure, as a matter of corporate</p> <p>19 law?</p> <p>20 MR SHOOK More the former.</p> <p>21 WITNESS Okay. Did I answer</p>	<p>1 Telecom coming into existence, the relationship,</p> <p>2 if you will, that exists between or existed</p> <p>3 between Buzz Telecom and Business Options, Inc.</p> <p>4 was the same relationship that existed between</p> <p>5 U.S. Bell --</p> <p>6 A. Yes.</p> <p>7 Q -- and Business Options, Inc.?</p> <p>8 A. Yes.</p> <p>9 Q So in a sense, from a practical</p> <p>10 standpoint, Buzz Telecom is the successor to U.S.</p> <p>11 Bell?</p> <p>12 A. Yes. In June of last year, we brought</p> <p>13 everybody out of U.S. Bell and routed everybody</p> <p>14 into Buzz Telecom.</p> <p>15 Q So once Buzz Telecom came into</p> <p>16 existence, U.S. Bell, as a functioning entity,</p> <p>17 essentially ceased to exist?</p> <p>18 A. Yes, which goes back to the cease and</p> <p>19 desist we had gotten from Southwest Bell.</p> <p>20 Q About using the name U.S. Bell?</p> <p>21 A. Yes.</p>

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1 Q Okay. Had you ever heard of an entity
2 by the name of Great Lakes Verification Company?

3 A. Yes.

4 Q Do you know where Great Lakes
5 Verification Company is located?

6 A. It doesn't exist at this time.

7 Q When it did exist, to your knowledge,
8 where was it located?

9 A. Right next door to where Buzz Telecom
10 currently is. I think the address is 8385
11 Louisiana.

12 Q What kind of physical separation
13 existed between the office of Buzz Telecom and
14 Great Lakes Verification Company?

15 A. Great Lakes had its own entranceway to
16 the street. If you can picture a long office,
17 Buzz Telecom had an entrance, and Great Lakes had
18 its own entrance. There was a -- Inside of Great
19 Lakes Verification, once you got in, there was a
20 common door that would allow access into Buzz
21 Telecom and also for use of the restrooms.

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1 Q Now, you had mentioned that Great
2 Lakes Verification Company no longer exists.
3 What knowledge do you have as to why it no longer
4 exists?

5 A. The woman that started Great Lakes
6 Verification stopped doing verifications and went
7 to college or something.

8 Q And who was that?

9 A. Her name was Alethea Gray.

10 Q Do you know how to spell her last
11 name?

12 A. I believe G-R-A-Y. She may have been
13 Alethea Smith at the time. But sometime in the
14 process, she got married.

15 Q Was it your understanding that she was
16 the sole owner of Great Lakes Verification
17 Company?

18 A. Yes.

19 Q What kind of contractual agreement, if
20 any, did Buzz Telecom have with Great Lakes
21 Verification Company?

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1 A. Buzz Telecom didn't. Do you want me
2 to answer for Business Options? It was Business
3 Options at the time.

4 Q Okay. So let me ask the question.

5 A. Okay.

6 Q What contractual arrangement, if any,
7 did Business Options, Inc. have with Great Lakes
8 Verification Company?

9 A. We had a contract with Great Lakes to
10 do verifications. And in our discovery, we could
11 not find a copy of the contract. I don't think
12 you guys have a copy of it, either. I didn't see
13 it.

14 Q So it's your understanding or your
15 recollection that a written contract did exist --

16 A. Yes.

17 Q -- between Business Options and Great
18 Lakes Verification?

19 A. Yes. And you asked me an earlier
20 question of why it doesn't exist anymore, and
21 that jogged my memory. I don't think financially

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1 it worked out very well for Miss Gray,
2 financially speaking.

3 Q In other words, the amount of money
4 that was coming from Business Options to Great
5 Lakes wasn't sufficient to keep Great Lakes in
6 business?

7 A. Yes.

8 Q Was there ever a time when there were
9 common employees of Business Options and Great
10 Lakes Verification?

11 A. Not to my knowledge.

12 Q Was there ever a time when there were
13 common employees between U.S. Bell and Great
14 Lakes Verification?

15 A. U.S. Bell and Great Lakes -- well, it
16 might be helpful if I just elaborated on this.

17 WITNESS Is that okay with you?

18 MR HAWA Uh-huh.

19 A. Okay. After Miss Gray decided not to
20 do verifications any longer, at that time my
21 brother was doing something that was not working